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DATE FILED: 1/19/2011

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TABERNA CAPITAL MANAGEMENT, LLC and LARRY :  
LATTIG Trustee for the First Magnus :  
Litigation Trust, as Successor in :  
Interest to Taberna Capital Management, :  
LLC and The Bank of New York Mellon Trust :  
Company, N.A., Solely in its Capacity as :  
Trustee under the Indenture and Property :  
Trustee for the First Magnus TPS Trust, :  
Plaintiffs, :

08 Civ. 11355 (DLC)

ORDER OF  
DISCONTINUANCE

-v- :

GURPREET S. JAGGI, :  
Defendant. :

----- X  
DENISE COTE, District Judge:

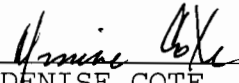
It having been reported to this Court that this case has been settled, it is hereby

ORDERED that the above-captioned action is hereby discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made within thirty days.

IT IS FURTHER ORDERED that defendant's October 22, 2010 motion for summary judgment and November 24, 2010 motion to preclude testimony are dismissed as moot without prejudice to the defendant's refiling these motions should the case be restored.

SO ORDERED:

Dated: New York, New York  
January 19, 2011

  
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DENISE COTE  
United States District Judge